IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 2820 OF 2004

IN

FIRST APPEAL NO. 942 OF 1994

Shivprasad S. Pardeshi & Ors. ..Applicants
(Ori. Respondents)

versus

Sau. U. A. Narayan Kalwar
& Ors. ..Respondents
(Ori. Appellants)

Mr. M. V. Limaye i/b. Mr. R.S. Apte for the Applicants - Original Respondents.

Mr. A. M. Kulkarni i/b. A. A. Kumbhakoni for the Respondents - Original Appellants.

CORAM : D. G. DESHPANDE,J.

DATE : 27TH OCTOBER,2005

P.C. :

1. Heard.

2. This is an application by the original respondents in the First Appeal for permission to withdraw the amount of compensation deposited by the acquiring body before the District Court, Solapur. Sufficient time, as prayed by the counsel for the appellants was granted to file reply to this Application. Inspite of granting last chance, no reply is filed. Application is opposed by the original appellants on the ground that the appellants have got a right to file application for apportionment, but at present the fact is that their application for Probate on the basis of which he was claiming right to compensation is rejected.

3. Therefore, in the circumstances the applicants / original respondents are permitted to withdraw Rs.2,00,000/- (Rupees Two lacs) from the District Court, Solapur, on furnishing security to the satisfaction of the District Court, Solapur. Civil Application disposed of.

4. Certified copy expedited.

27.10.2005 (D.G. DESHPANDE, J.)

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